

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF PROPOSED REPEAL
proposed repeal of ARM)
42.31.702 relating to the)
reporting requirements for)
Montana tobacco wholesalers)
and retailers) NO PUBLIC HEARING CONTEMPLATED

TO: All Concerned Persons

1. On August 1, 2003, the department proposes to repeal ARM 42.31.702, relating to reporting requirements for Montana tobacco wholesalers and retailers.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Revenue no later than 5:00 p.m. on July 3, 2003, to advise us of the nature of the accommodation that you need. Please contact Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 5805, Helena, Montana 59604-5805; telephone (406) 444-2855; fax (406) 444-3696; e-mail canderson@state.mt.us.

3. The department proposes to repeal the following rule:

42.31.702 REPORTING REQUIREMENTS which can be found on page 42-3163 of the Administrative Rules of Montana.

AUTH: Sec. 16-11-402, MCA

IMP: Sec. 16-11-403, MCA

REASONABLE NECESSITY: The department is proposing to repeal ARM 42.31.702 because the 58th Legislature enacted HB 663, which changed the reporting requirements for Montana wholesalers and retailers. Montana wholesalers and retailers must now file all necessary information with the Attorney General within 20 calendar days after the end of each calendar quarter rather than with the Department of Revenue. Therefore, this rule is no longer applicable to the department.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Cleo Anderson, Department of Revenue, Director's Office, P.O. Box 5805, Helena, Montana 59604-5805 no later than July 11, 2003.

5. If persons who are directly affected by the proposed action wish to express their data, views and arguments orally or in writing at a public hearing,

they must make written request for a hearing and submit this request along with any written comments they have to Cleo Anderson at the above address no later than July 11, 2003.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee; from a governmental subdivision or agency; or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

7. An electronic copy of this Proposal Notice is available through the Department's site on the World Wide Web at http://www.mt.gov/revenue/rules_home_page.htm, under the Notice of Rulemaking section. The Department strives to make the electronic copy of this Proposal Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

8. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Such written request may be mailed or delivered to the person in 4 above or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

/s/ CLEO ANDERSON
CLEO ANDERSON
Rule Reviewer

/s/ LINDA M. FRANCIS
LINDA M. FRANCIS
Director of Revenue

Certified to the Secretary of State June 2, 2003